IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4121 of 2004

Between:

Smt. Y. Nalini, W/o. Y. Rajagopal Naidu,
R/o. Plot No. 208, HMT, Shathavahana Nagar,
Kukatpalli, Hyderabad-29.

..... PETITIONER

AND

1 The Government of India, Rep. by its Secretary,
Law and Legislative affairs, New Delhi.
2 Dy. General Manager, Zonal Office, Andhra Bank,
Guntur, Guntur District.
3 Branch Manager, Andhra Bank, Main Branch,
Gouri Sankar theatre road, Kothapet, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of writ of mandamus declaring that the SECURETISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002, is illegal, arbitrary, and unconstitutional and consequently direct the respondents to declare that the impugned notice issued by the 2nd respondent bank dated 24-12-2003 under Sec.13 of the said Act as illegal and direct the respondent not to attach my movable property without resort to the Court of Law or Judicial Authority.

Counsel for the Petitioner:MR.D.SESHASAYANA REDDY

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent Nos.2 and 3: Smt.K.Sesharajyam

The Court made the following :

ORAL ORDER: (per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

22-7-2004

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C.V.RAMULU, J

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To

1. The Secretary, Law and Legislative affairs,

Government of India, New Delhi.

2 Dy. General Manager, Zonal Office, Andhra Bank,
Guntur, Guntur District.

3 Branch Manager, Andhra Bank, Main Branch,
Gouri Sankar theatre road, Kothapet, Guntur.

4. 2 CCs to the Senior Central Government Standing Counsel, High

Court Buildings, Hyderabad (OUT)

5. 2 CD copies.